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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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- :  
UNITED STATES OF AMERICA, :  
 :  
Plaintiff, :  
 :  
v. :  
 :  
MATTHEW HULL, MICHELE C. :  
HULL, and AARON HULL, :  
 :  
Defendants. :  
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The United States of America, by and through Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (By: Michael E. Campion, Assistant U.S. Attorney) brings this complaint and says:

**JURISDICTION AND VENUE**

1. This is an action brought to enjoin the Defendants from blockading the Plaintiff's and the public's access to a portion of a public road commonly known as Old Mine Road in Layton, Sussex County, New Jersey. This action is also brought for damages caused by the Defendants' wrongful blockade of Old Mine Road.

2. This action is brought pursuant to: (a) the United States' common law right to

possession of and access to property for which it holds property rights; (b) the United States' right to regulate its lands under the Property Clause, Section 3, Clause 2 of the United States Constitution; and (c) N.J.S.A. 2A:35-1 et seq.

3. This Court has jurisdiction of this action pursuant to Title 28, United States Code Sections 1331 and 1345.

4. Venue in this district is found under Title 28, United States Code Sections 1391(b) and (c) as the subject property is located in this district and the Defendants are subject to personal jurisdiction in this district.

### **PARTIES**

5. Plaintiff is the United States of America.

6. Defendants, Matthew Hull, Michele C. Hull, and Aaron Hull, are citizens of the State of New Jersey. The Defendants reside at 11 Old Mine Road, Layton, Sussex County, New Jersey.

### **FACTS**

#### **National Park Service/Delaware Water Gap**

7. Ever since the first National Park was established in 1872, the United States' National Parks have been widely recognized as public treasures. On August 25, 1916, the National Park Service, a federal bureau within the United States Department of the Interior, was created to oversee and protect these public treasures. As codified in the "Organic Act," 16 U.S.C. ¶ 1, the National Park Service "shall promote and regulate the use of the Federal areas known as national parks . . . by such means and measures as conform to the fundamental purpose of the said parks . . . which purpose is to conserve the scenery and the natural and historic objects

and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

### **The Delaware Water Gap National Recreation Area**

8. Under this statutory authority, the National Park Service administers the Delaware Water Gap National Recreation Area (“Delaware Water Gap National Recreation Area” or “Park”), a unit of the National Park System. Consistent with the Congressional mandate, the National Park Service has acted to preserve the natural and historic scenery of the Delaware Water Gap National Recreation Area and has promoted the use of the Park for the public’s enjoyment. The National Park Service also protects the public and provides for the public's safety at the Park.

9. In administering and promoting the use of the Park, the National Park Service has provided for many recreational activities, including, hiking, cycling, boating, kayaking, fishing, swimming, backpacking, horseback riding, road touring, and camping. Moreover, the National Park Service has long welcomed school trips and has provided school-age children with many educational programs, including the Park’s highly-respected junior ranger program and the Appalachian Trail Adventure Guide for Teens.

10. The Delaware Water Gap National Recreation Area is land of the Plaintiff United States of America.

11. Defendants Matthew Hull, his wife, Michele C. Hull, and Aaron Hull own property located in Layton, Sussex County, New Jersey (the “Hull property”). The Hull property is surrounded on three sides by land of the United States (*i.e.*, the Delaware Water Gap National Recreation Area), and on the fourth side by the Delaware River.

## **Historic Old Mine Road**

12. Old Mine Road, a public road with a rich history extending back several hundred years, runs parallel to the Delaware River and traverses the length of the Delaware Water Gap National Recreation Area.

13. The United States, through the National Park Service, possesses the property rights to the relevant portions of Old Mine Road, including the portion that Defendants have blockaded.

14. As part of the “scenic route” through the Delaware Water Gap National Recreation Area, the public has enjoyed complete access to Old Mine Road without any restriction. Moreover, as a road open to the public for at least 200 years, the public has freely traversed Old Mine Road for both commerce and pleasure.

15. As long as five hundred years ago, Old Mine Road began as a network of Native American trails. But the road takes its name from mid-17th century Dutch miners. After mining copper ore at one end of the road near the Delaware River, it is believed that the Dutch miners transported the ore across the length of the road to waiting ships at the docks of Esopus (now Kingston, New York).

16. Although mining was not permanent, Old Mine Road soon became an important conveyor of people, goods, ideas, and institutions. In the early to mid-18th century, the region had been settled by a diverse mix of cultures, including Dutch, Huguenot and English settlers. By that time, Old Mine Road served as the region’s principle source of contact to the rest of the world.

17. Old Mine Road has also played a small, but important, role in American history.

It accommodated defense needs during the French and Indian War by connecting a string of small forts and blockhouses built to prevent raids along the New Jersey frontier. During the Revolutionary War, General Gates marched seven regiments down Old Mine Road to meet General Washington prior to his crossing the Delaware. In the early 1800's, John Adams regularly crossed Old Mine Road when traveling from Congress in Philadelphia to his home in Massachusetts.

18. Old Mine Road, as a result of its historical significance, has been placed on the National Register of Historic Places. The rich history of Old Mine Road is also architecturally reflected in a number of houses and structures that now form part of the Old Mine Road Historic District.

19. A portion of Old Mine Road – roughly 300 yards – crosses a portion of the Hull property.

20. The portion of Old Mine Road that crosses the Hull property is on the National Register of Historic Places. As such, that portion of the road is subject to historic protection and preservation. Additionally, the residence on the Hull property is also an historic structure listed on the National Register of Historic Places and, as such, is also subject to historic protection and preservation.

### **The United States Holds the Rights to Old Mine Road**

21. The United States holds the ownership interest in the portion of Old Mine Road that crosses the Hull property (as well as substantial portions of the road outside of the Hull property). A copy of the Deed is attached as Exhibit A.

**Defendants Have Unlawfully Blockaded and  
Prevented Access to a Portion of Old Mine Road**

22. At the end of 2007, the Defendants blocked the public's and the National Park Service's access to the portion of Old Mine Road that crosses the Hull property.

23. As a result of Defendants' unlawful blockade of Old Mine Road, Defendants have wrongfully denied the public and National Park Service employees access to a public road for which the United States has lawful ownership rights.

24. Among other things, Defendants have denied the public of their right to traverse a public road and have obstructed the public's ability to enjoy the benefits of the Delaware Water Gap National Recreation Area.

25. Similarly, by blockading this public road, Defendants have severely disrupted and hindered the ability of National Park Service employees from performing their duties.

26. Moreover, by blockading this public road, Defendants have created safety concerns because open access to Old Mine Road is vital to public safety.

27. By letter dated October 19, 2007, the Park Superintendent, John Donahue, wrote to the Defendants to inform them of the longstanding public rights to Old Mine Road. The Superintendent subsequently met with Defendants to try to resolve this dispute out of Court. Even though the Superintendent offered to increase patrols and provide further maintenance to the road, Defendants refused to remove their blockade.

28. In 2008, the Park Superintendent made other efforts to resolve this matter, but to no avail. Making one last attempt to resolve this matter out of Court, in December 2008, the Park Superintendent again invited the Defendants to discuss their concerns. The Defendants, however, refused this invitation.

29. As of the date of this Complaint, Defendants have refused to remove their blockade of Old Mine Road, have continued to deprive the Plaintiff of its lawful possession of and access to Old Mine Road, and have deprived the public of their access to and enjoyment of this public road.

30. As a result of Defendants' blockade of the road, Defendants have denied the National Park Service and the public of their right to access a public road for which the United States has property rights. Not only have Defendants hindered National Park Service employees in performing their duties, Defendants have also impeded the public from recreating in the park and have jeopardized the public's safety by closing this portion of Old Mine Road.

31. Instead of traveling across Old Mine Road, the public and National Park Service employees now must detour off the historic road for about two miles, away from the river, and through the local town center of Peter's Valley.

32. Not only does this detour add a significant distance, it also diverts the public from the "scenic route" of the historic road. Indeed, by adding this distance, much of the public has been forced to forgo traveling on Old Mine Road altogether.

### **COUNT ONE**

33. The Defendants have wrongfully obstructed access to and are wrongfully in possession of the blockaded portion Old Mine Road as described above.

34. Under federal common law, the Plaintiff is entitled to a Judgment enjoining Defendants from blocking access to Old Mine Road and damages resulting from this unlawful blockade of Old Mine Road.

Wherefore, Plaintiff demands Judgment:

1. For a permanent injunction, Ordering the Defendants to remove any blockade or obstruction that prevents National Park Service employees or the public access to any portion of Old Mine Road.

2. Ejecting Defendants from possessing any portion of Old Mine Road.

3. For damages for mesne profits, and for the value of the use and occupation of the land aforesaid.

4. For costs of suit.

5. For such further relief as the Court may deem equitable or just.

## **COUNT TWO**

35. The Defendants have wrongfully obstructed access to and are wrongfully in possession of the blockaded portion Old Mine Road as described above.

36. Under state law, the Plaintiff is entitled to a Judgment enjoining Defendants from blocking access to Old Mine Road and damages resulting from this unlawful blockade of Old Mine Road.

Wherefore, Plaintiff demands Judgment:

1. For a permanent injunction, Ordering the Defendants to remove any blockade or obstruction that prevents National Park Service employees or the public access to any portion of Old Mine Road.

2. Ejecting Defendants from possessing any portion of Old Mine Road.

3. For damages for mesne profits, and for the value of the use and occupation of the land aforesaid.

4. For costs of suit.



5. For such further relief as the Court may deem equitable or just.

**COUNT THREE**

37. The Defendants have wrongfully obstructed access to Old Mine Road as described above.

38. Under the Property Clause of the United States Constitution, the Plaintiff is entitled to a Judgment enjoining Defendants from blocking access to Old Mine Road.

Wherefore, Plaintiff demands Judgment:

1. For a permanent injunction, Ordering the Defendants to remove any blockade or obstruction that prevents National Park Service employees or the public access to any portion of Old Mine Road.

2. Ejecting Defendants from possessing any portion of Old Mine Road.

3. For damages for mesne profits, and for the value of the use and occupation of the land aforesaid.

4. For costs of suit.

5. For such further relief as the Court may deem equitable or just.

Respectfully submitted,

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Acting United States Attorney

By: s/Michael E. Campion  
MICHAEL E. CAMPION  
Assistant U.S. Attorney

Dated: March 23, 2009